

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Drawings

Applicant respectfully requests that the Examiner accept the formal drawings submitted on July 24, 2003.

Disposition of Claims

Claims 1-10 were pending in this application. By way of this reply, new claims 11-15 have been added to this application. Accordingly, claims 1-15 are now pending in this application. Claims 1 and 11 are independent. The remaining claims depend, directly or indirectly, from claim 1 or 11.

Claim Amendments

Independent claim 1 has been amended by way of this reply. Further, claims 3-5 and 7-9 have been amended to correspond to changes made to claim 1. No new subject matter has been added by way of these amendments, as support for these amendments may be found, for example, in claim 1 and in paragraphs [0024], [0029], and [0030] of the present application.

Rejection(s) under 35 U.S.C. § 112

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that which Applicant regards as the invention. Specifically, the Examiner notes that in claim 1, "said analog TV signal" lacks

proper antecedent basis. Claims 1 has been amended in this reply to provide proper antecedent basis for the analog TV signal. Accordingly, withdrawal of the § 112, second paragraph, rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,741,277 issued to Rau (hereinafter “Rau”). Independent claim 1 has been amended in this reply to clarify the invention recited. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

One or more embodiments of the present invention are directed to an apparatus for measuring the reception performance of a television (TV) signal. As seen with respect to Figure 1 of the Specification, a reception performance measuring apparatus in accordance with one or more embodiments of the invention comprises, in part, a transport stream (TS) generator (1), a noise source (4), a tuner set (5), a low voltage differential signal (LVDS) generator (6), and a error rate measuring device (2) (*see, e.g.*, publication of the Specification, Figure 1, paragraph [0024]).

In one or more embodiments of the invention, TS generator (1) generates a digital TV signal in TS format based on image data (*see, e.g.*, publication of the Specification, paragraph [0024]). Noise, generated in noise generator (4), is added to the digital TV signal, which is then received by tuner set (5) (*see, e.g.*, publication of the Specification, paragraphs [0027]-[0029]). Tuner set (5) then outputs an analog composite video baseband signal (CVBS), which is converted to a second digital TV signal in TS format by LVDS converter (6). The original digital TV signal and the second digital TV signal are compared in error rate measuring device (2) (*see, e.g.*, publication of the Specification, paragraphs [0029]-[0031]).

Accordingly, amended independent claim 1 requires a noise section configured to generate a predetermined level of noise, a reception processing device configured to perform reception processing on the digital TV signal having added thereto the predetermined level of noise, and to output an analog TV signal corresponding thereto, a converter configured to convert the analog TV signal to a second digital TV signal, and a signal comparing section configured to compare an the second digital TV signal with said digital TV signal outputted from said generating section.

Rau does not show or suggest at least (i) a noise section, (ii) a reception processing device configured to perform processing a digital TV signal having noise added to thereto, or (iii) a converter, as required by the claimed invention. In contrast to the claimed invention, Rau discloses a television receiver (115) that outputs a digital TV signal to a monitor (110) and a digital video signal unit (145) (*see* Rau, col. 4, lines 10-12). In fact, the only discussion of an analog signal occurs when RGB to video signal generator (210) converts test pattern R, G, and B signals to analog signals, for encoding in ATSC MPEG encoder (215), which is before the signal is received by digital video receiver (115) (*see* Rau, col. 5, lines 24-27). Thus, it would be clear to one skilled in the art that Rau fails to show or suggest at least a reception processing device, as required by the claimed invention. Further, as Rau does not show or suggest a reception processing device, it would be clear to one skilled in the art that Rau fails to show or suggest a converter that converts the analog TV signal to a second digital TV signal, as required by the claimed invention.

Further, the Examiner has taken Official notice that using a noise generator to simulate a real environment in a television receiver testing operation is well known in the art. However, Rau is completely silent with respect to noise in a television receiving environment, and this fact is acknowledged by the Examiner. In other words, Rau is directed to testing a

television receiver *in the absence of noise*. Rau is merely testing the performance of a receiver in terms of the digital signal set to the receiver. In effect, the Examiner has read out an explicit limitation of claim 1. If Applicant had not intended to generate noise in claim 1 and not to process a digital TV signal with the noise added thereto, these express limitations would not have been included in claim 1. To the extent that the Examiner is relying on personal knowledge as the basis of this rejection, the Applicant respectfully requests that the Examiner, pursuant to 37 C.F.R. §1.104(d)(2), supply a declaration setting forth specific factual statements and explanation to support such a finding, *i.e.*, that using a noise generator to simulate a real environment in a television receiver testing operation is well known in the art.

In view of the above, Rau fails to show or suggest the invention as recited in amended independent claim 1. Thus, amended independent claim 1 is patentable over Rau. Claims 2-10, directly or indirectly dependent from claim 1, are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

New Claims

By way of this reply, claims 11-15 have been added. No new subject matter has been added by way of new claims 11-15, as support for these claims may be found, for example, in paragraphs [0024] and [0029]-[0031] of the present application. Applicant believes these claims are allowable for at least the reasons discussed above with reference to claim 1, and accordingly, requests entry and allowance thereof.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04536/020001).

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Respectfully submitted,

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